

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIANN DUDECK,)	
)	
Plaintiff,)	Judge Amy St. Eve
)	
-vs-)	Case No. 08 C 1697
)	
MARRIOTT INTERNATIONAL, INC.,)	Magistrate Judge Susan E. Cox
individually and, MARRIOTT)	
INTERNATIONAL, INC., d/b/a)	
CHICAGO MARRIOTT O'HARE,)	
CHICAGO MARRIOTT O'HARE,)	
individually,)	
)	
Defendants.)	

**DEFENDANT'S UNCONTESTED MOTION TO VACATE AND EXTEND THE
SEPTEMBER 15, 2008 FACT DISCOVERY DEADLINE**

NOW COMES Defendant, **MARRIOTT INTERNATIONAL, INC.**, also doing business as Chicago O'Hare Marriott Hotel, by and through one of its attorneys, PAUL GAMBOA of JOHNSON & BELL, LTD., and moves this Honorable Court to vacate and extend the September 15, 2008 fact discovery deadline. In support thereof, Defendant states the following:

1. The fact discovery deadline currently ordered is September 15, 2008. A copy of the April 17, 2008 order entered by Judge Amy St. Eve setting said deadline is attached hereto, labeled "Exhibit A," and incorporated herein by reference.

2. Shortly after said deadline was entered, the jurisdiction of this Court was challenged as Plaintiff filed a motion to remand on April 18, 2008. That motion was denied on May 13, 2008.

3. Since the denial of that motion, the Defendant, with appreciated cooperation from the Plaintiff, has been working diligently to complete fact discovery. To that end, Defendant has issued a number of subpoenas for various medical

records. Once the majority of those deponents had responded to those respective subpoena requests, Defendant deposed the Plaintiff.

4. After the Plaintiff's August 8th, 2008 deposition, Defendant requested convenient dates for the depositions of three of her co-workers/occurrence witnesses. Those depositions were set to proceed on September 3, 2008.

5. While Plaintiff and Defendant were attempting to finalize a date for the depositions of the aforementioned occurrence witnesses, they were also engaging in settlement discussions pursuant to Rule 26(f) of the Federal Rules of Civil Procedure.

6. Shortly before September 3, 2008, the parties agreed to postpone the depositions of the three co-workers/occurrence witnesses so that the parties could avoid incurring additional costs while settlement discussions were ongoing.

7. As of the filing of the instant motion, it appears that the parties will not be able to settle this matter, and that additional fact discovery must be completed in preparation of trial.

8. The Defendant, therefore, requests a short extension of time so that the depositions of Plaintiff's three co-workers/occurrence witnesses may be taken. Defendant also expects to take the deposition of Julius Erdei, Plaintiff's companion and co-habitant at the time of the occurrence, as well as two treating physicians.

9. The Defendant does not expect the extension of the fact discovery cutoff to interfere with any of the previously entered deadlines entered by Judge St. Eve at the April 17, 2008 status hearing. *See Exhibit A.*

10. The Movant has spoken with counsel for the Plaintiff, and there are no objections to the September 15, 2008 fact discovery deadline being extended.

WHEREFORE, Defendant, **MARRIOTT INTERNATIONAL, INC.**, respectfully prays that this Honorable Court vacate the September 15, 2008 fact discovery deadline and extend the fact discovery deadline an additional 60 days.

Respectfully submitted,

JOHNSON & BELL, LTD.,

By: /s/ Paul Gamboa
Paul Gamboa, one of the Attorneys for
Marriott International, Inc.

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**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.1.3
Eastern Division**

Mariann Dudeck

Plaintiff,

v.

Case No.: 1:08-cv-01697

Honorable Amy J. St. Eve

Marriott International, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, April 17, 2008:

MINUTE entry before Judge Honorable Amy J. St. Eve: Status hearing held on 4/17/2008. Parties are directed to meet and confer pursuant to Rule 26(f) and exhaust settlement possibilities prior to the next status hearing. (Status hearing set for 6/12/2008 at 08:30 AM. Plaintiff's motion for remand due by 4/18/2008. Response due by 5/2/2008. Reply due by 5/9/2009. The Court adopts the joint status report. Written already issued. Answer written by 5/5/2008. Rule 26(a)(1) disclosures due 5/17/2008. Fact discovery ordered closed by 9/15/2008. Plaintiff's expert disclosures with reports due 10/30/2008. Plaintiff's experts deposed by 12/14/2008. Defendant's expert disclosures with reports due 2/5/2008. Expert discovery ordered closed by 3/16/2009. Dispositive motions with supporting memoranda due by 4/30/2009.) Mailed notice(tmh,)

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